

# SENATE BILL No. 561

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2-187; IC 9-18-2-23; IC 25-0.5; IC 25-42; IC 35-52-25-67.

**Synopsis:** Vehicle remarketers. Creates the Indiana vehicle remarketer commission (commission) to license and register persons engaged in the remarketing of motor vehicles. Sets standards and responsibilities for persons in the professions of vehicle remarketer, vehicle remarketer agent, and vehicle remarketer agency (remarketers). Requires the commission to adopt emergency rules to authorize remarketers to operate after June 30, 2015. Makes an appropriation.

**Effective:** Upon passage.

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## Tomes

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January 20, 2015, read first time and referred to Committee on Commerce & Technology.

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First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 561

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-13-2-187, AS AMENDED BY P.L.262-2013,  
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 187. "Transport operator" means any of the  
4 following:  
5 (1) A person engaged in the business of furnishing drivers and  
6 operators for the purpose of transporting vehicles in transit from  
7 one (1) place to another by the drive away or tow away methods.  
8 (2) A dealer or manufacturer engaged in the operation or business  
9 described in subdivision (1).  
10 (3) A business that prepares newly purchased vehicles of the  
11 business and delivers the vehicles to the locations where the  
12 vehicles will be based, titled, and registered.  
13 **(4) After June 30, 2015, a vehicle remarketer holding a**  
14 **current and valid license under IC 25-42-4.**  
15 SECTION 2. IC 9-18-2-23, AS AMENDED BY P.L.262-2013,  
16 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 23. (a) This section does not apply to a vehicle registered as a recovery vehicle under IC 9-18-13.

(b) A transport operator may, instead of registering each motor vehicle transported, make a verified application upon a form prescribed by the bureau and furnished by the bureau for a general distinctive registration number for all motor vehicles transported by the transport operator and used and operated for the purposes provided. The application must contain the following:

(1) A brief description of each style or type of motor vehicle transported.

(2) The name and address, including the county of residence, of the transport operator.

(3) Any other information the bureau requires.

(c) The bureau, upon receiving:

(1) an application for a transport operator license plate; and

(2) the proper fee;

shall issue to the person who submitted the application and fee two (2) certificates of registration and the license plates with numbers corresponding to the numbers of the certificates of registration. A transport operator may obtain as many additional pairs of license plates as desired upon application and the payment to the bureau of the fee prescribed under IC 9-29 for each pair of additional license plates.

(d) A license plate or sign other than those furnished and approved by the bureau may not be used.

(e) A transport operator license plate may not be used on a vehicle used or operated on a highway, except for the purpose of transporting vehicles in transit. A person may haul other vehicles or parts of vehicles in transit in the same combination.

(f) A transport operator may not operate a vehicle or any combination of vehicles in excess of the size and weight limits specified by law.

(g) A license plate shall be displayed on the front and rear of each combination, and if only one (1) motor vehicle is transported, a license plate shall be displayed on both the front and rear of the motor vehicle.

(h) The bureau may not issue transport operator license plates to a transport operator who has been convicted of violating this section until the bureau is satisfied that the transport operator is able to comply with the requirements of this section.

**(i) After June 30, 2015, a vehicle remarketer holding a current and valid license under IC 25-42-4 is entitled to be issued transport operator license plates under IC 25-42-7.**

SECTION 3. IC 25-0.5-3-43 IS ADDED TO THE INDIANA CODE



AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 43. IC 25-1-2-6(b) applies to the Indiana vehicle remarketer commission.**

SECTION 4. IC 25-0.5-9-38 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 38. The Indiana vehicle remarketer commission (IC 25-42-3-1) is a board under IC 25-1-8.**

SECTION 5. IC 25-42 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**ARTICLE 42. VEHICLE REMARKETERS AND VEHICLE REMARKETER AGENCIES**

**Chapter 1. Scope of Article**

**Sec. 1. This article provides licensing and registration for persons engaged in the remarketing of used motor vehicles to licensed dealers or auctions restricted to licensed motor vehicle dealers. No other agency or municipal corporation (as defined in IC 36-1-2-10) shall impose on a licensee or seller at auction:**

- (1) a registration or license requirement;**
- (2) a license or employment fee; or**
- (3) a charge on account of any remarketing activities.**

**Chapter 2. Definitions**

**Sec. 1. As used in this article, "auction" means a sale transaction conducted by means of oral or written exchanges between an auctioneer and the members of the auctioneer's audience. Exchanges consist of a series of invitations for offers for the purchase of vehicles made by the auctioneer and offers to purchase made by members of the audience and culminate in the acceptance by the auctioneer of the highest or most favorable offer made by a member of the participating audience. The term "auction" includes only sales transactions conducted solely for:**

- (1) licensed vehicle dealers;**
- (2) wholesalers; and**
- (3) vehicle remarketers;**

**and not members of the general public.**

**Sec. 2. As used in this article, "auction company" means a person that, as a part of business, arranges, manages, sponsors, advertises, or carries out automobile auctions, and sells only to licensed dealers, wholesalers, or vehicle remarketers.**

**Sec. 3. As used in this article, "bureau" means the bureau of motor vehicles created by IC 9-14-1-1.**

**Sec. 4. As used in this article, "commission" means the Indiana**



1 vehicle remarketer commission established by IC 25-42-3-1.

2 Sec. 5. As used in this article, "established business location"  
3 means a permanent, enclosed building or structure owned or leased  
4 for the purpose of offering for maintaining, storing, and  
5 safekeeping of all records related to the sale, trading, and selling of  
6 motor vehicles. The term does not include a residence, tent,  
7 temporary stand, or permanent quarters temporarily occupied.

8 Sec. 6. As used in this article, "licensee" means a person licensed  
9 or issued a temporary permit under this article and, in the case of  
10 a vehicle remarketer agency, includes the person responsible for  
11 the compliance of a vehicle remarketer or vehicle remarketer  
12 agency.

13 Sec. 7. As used in this article, "licensing agency" means the  
14 Indiana professional licensing agency established by IC 25-1-5-3.

15 Sec. 8. As used in this article, "motor vehicle" has the meaning  
16 set forth in IC 9-13-2-105.

17 Sec. 9. As used in this article, "organization" means a  
18 corporation, a limited liability company, a partnership, a trust  
19 (specifically including a business trust), a firm, an association, or  
20 another form of business enterprise owned by two (2) or more  
21 individuals.

22 Sec. 10. As used in this article, "person" means an organization  
23 or an individual.

24 Sec. 11. As used in this article, "remarketer" or "remarketing"  
25 means the business, skills, or knowledge of a person that engages  
26 in the business of wholesale motor vehicle sales.

27 Sec. 12. As used in this article, "vehicle remarketer" means a  
28 person that is engaged in the business of buying or selling motor  
29 vehicles for resale to other dealers (as defined in IC 9-13-2-42),  
30 wholesale dealers, transfer dealers (as defined in IC 9-32-2-25), or  
31 persons other than the general public.

32 Sec. 13. As used in this article, "vehicle remarketer agency"  
33 mean an entity that provides services to ensure or aid in the  
34 compliance of licensing requirements for vehicle remarketers.

35 Sec. 14. As used in this article, "vehicle remarketer agent"  
36 means a person that operates, is employed by, or acts as an agent  
37 of a vehicle remarketer agency and acts as an authorized  
38 representative or provides services to ensure or aid in the  
39 compliance of licensing requirements for vehicle remarketer  
40 clients. The term does not include an employee or contractor of a  
41 vehicle remarketer agency that provides incidental services or  
42 tasks.



**Chapter 3. Creation of Commission**

**Sec. 1. (a) The Indiana vehicle remarketer commission is created consisting of six (6) members, not more than four (4) of whom may be members of the same political party.**

**(b) A member of the commission is appointed by the governor to serve for a term of three (3) years and until the successor is appointed and qualified. A vacancy arising on the commission shall be filled by the governor, and the individual appointed to fill such vacancy shall serve for the unexpired term of the individual whose vacancy is being filled.**

**(c) Five (5) individuals appointed to membership on the commission must be citizens of Indiana and engaged in the business or related to the business of motor vehicle remarketing, wholesaling, or auctioneering for a period of not less than five (5) years immediately preceding the appointment. One (1) individual appointed to membership on the commission must be a citizen of Indiana who has not been associated with vehicle remarketing in any way other than as a consumer.**

**(d) An individual may not act as a member of the commission while holding another elected or appointed office in either the state or federal government.**

**Sec. 2. (a) The commission shall meet each January, at a time and place established by the chairperson, to conduct an election of officers and other business as appropriate. The commission shall also meet upon the call of the chairperson or upon the request of any two (2) members of the commission. The executive secretary shall provide reasonable notice of the time and place of each meeting to all members.**

**(b) Three (3) members constitute a quorum for the purpose of transacting business. A majority vote of the commission is necessary to bind the commission.**

**Sec. 3. (a) At the meeting to be held each January, the commission shall elect a chairperson and a vice chairperson from the membership. Each officer shall serve for a term of one (1) year and until the successor is elected.**

**(b) The chairperson shall preside at all meetings of the commission.**

**(c) The vice chairperson shall act as presiding officer in the absence of the chairperson and shall perform such other duties as the chairperson may direct.**

**(d) The commission shall be provided with an executive secretary by the licensing agency. The individual provided may not**



1 be a member of the commission.

2 (e) The executive secretary, through the licensing agency, shall:

3 (1) notify all members of meetings of the commission;

4 (2) keep a record of all meetings of the commission, votes  
5 taken by the commission, and other proceedings, transactions,  
6 communications, official acts, and records of the commission;  
7 and

8 (3) perform other duties as the chairperson directs.

9 Sec. 4. Each member of the commission shall receive a salary  
10 per diem for each day actually engaged in service of the  
11 commission, together with reimbursement for necessary travel  
12 expense incurred in the performance of strictly official duties, in  
13 accordance with travel policies and procedures established by the  
14 Indiana department of administration and the budget agency. The  
15 compensation and expense of the commission shall be paid out of  
16 the vehicle remarketer enforcement fund established under  
17 IC 25-42-9.

18 Sec. 5. (a) The commission is empowered to do the following:

19 (1) Administer and enforce the provisions of this article.

20 (2) Adopt:

21 (A) rules in accordance with IC 4-22-2; and

22 (B) forms as are necessary or appropriate for the  
23 administration and the effective and efficient enforcement  
24 of this article.

25 (3) Issue, suspend, and revoke licenses in accordance with this  
26 article.

27 (4) Subject to IC 25-1-7:

28 (A) investigate complaints concerning licensees or persons  
29 the commission has reason to believe should be licensees,  
30 specifically including complaints respecting failure to  
31 comply with this article or the rules; and

32 (B) take appropriate action pursuant to IC 25-1-11.

33 (5) Bring actions, in the name of the state of Indiana, in a  
34 court of competent jurisdiction in order to enforce compliance  
35 with this article or the rules adopted under subsection (c) by  
36 restraining order or injunction.

37 (6) Hold public hearings on any matter for which a hearing is  
38 required under this article, with all powers granted in  
39 IC 4-21.5.

40 (7) Adopt a seal and certify copies through the executive  
41 secretary.

42 (b) The licensing agency shall provide necessary employees and



consultants to enforce this article.

(c) The commission shall adopt rules under IC 4-22-2 establishing the following:

(1) Standards for competent:

(A) practice as a vehicle remarketer, vehicle remarketer agent, or vehicle remarketer agency; and

(B) operation as a vehicle remarketer, vehicle remarketer agent, or vehicle remarketer agency.

(2) Educational prerequisites as a condition for licensure.

Sec. 6. (a) All fees received by the commission under this article shall be paid to the state treasurer to be deposited into the vehicle remarketer enforcement fund established under IC 25-42-9.

(b) All records of fees received by the commission shall be available for inspection by the public.

#### Chapter 4. Vehicle Remarketing Licensing

Sec. 1. (a) Except as provided in subsection (b), no person may act as a vehicle remarketer or operate a vehicle remarketer agency without having obtained and having in full force and effect a valid license issued by the commission in accordance with this chapter.

(b) The requirements of this article do not apply to the following:

(1) A person licensed under IC 9-32 who is authorized to sell motor vehicles.

(2) An auction or selling or transferring a motor vehicle conducted:

(A) exclusively by an individual who personally owned the motor vehicle or did not acquire the motor vehicle for resale;

(B) by or under the direction of any public authority;

(C) pursuant to any judicial order or to the settlement of a decedent's estate; or

(D) by or on behalf of a political party, church, charitable corporation, or association if the individual conducting the sale receives no compensation and does not, by advertising or otherwise, hold the conductor of the sale out as being available to engage in the sale of motor vehicles at auction or to dealers.

Sec. 2. (a) A vehicle remarketer agency must provide:

(1) an established business location in Indiana to serve as an address to receive official notice and provide access to all records of the vehicle remarketers required under this article;





(2) a secure filing system and facilities to store, organize, and present records in a secure manner;

(3) facilitation and assistance with:

(A) the filing and reporting requirements; and

(B) compliance requirements under this article;

(4) application process facilitation and assistance; and

(5) a source of, or conduit, to connect to a source of education meeting the requirements set forth in this article;

to vehicle remarketers.

(b) A vehicle remarketer agency is considered an agent of a vehicle remarketer for purposes of compliance with the requirements of this article, but is required to act as an agent of the commission with the specific duties of:

(1) promoting compliance with applicable statutes and ethical business practices; and

(2) reporting:

(A) violations of; and

(B) illegal activity and unethical practices of licensees under;

this article.

**Sec. 3. (a) Every person, before acting as a vehicle remarketer, must obtain a license from the commission.**

**(b) An individual applicant, or, for an organizational applicant, all corporate officers, partners, and owners, for a license, must:**

(1) be at least eighteen (18) years of age;

(2) have completed at least a minimum level of vehicle remarketing instruction established by the commission provided from a course provider approved by the commission;

(3) not have a conviction for:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or

(B) a felony that has a direct bearing on the applicant's ability to practice competently;

(4) submit to a national criminal history background check (as defined in IC 10-13-3-12) administered by the state police department at the expense of the applicant or the corporate officers, partner, or owners;

(5) furnish evidence that the applicant has liability insurance or garage liability insurance covering the applicant's established place of business. The policy must provide limits of at least the following:



- 1 (A) One hundred thousand dollars (\$100,000) for bodily
- 2 injury to one (1) person.
- 3 (B) Three hundred thousand dollars (\$300,000) for bodily
- 4 injury for each accident.
- 5 (C) Fifty thousand dollars (\$50,000) for property damage.
- 6 The minimum amounts required by this subdivision must be
- 7 maintained throughout the time that a license is valid; and
- 8 (6) affirm that access to all transaction records will be
- 9 maintained within an established business location or licensed
- 10 vehicle remarketer agency within Indiana in a manner
- 11 prescribed by the commission.
- 12 (c) Vehicle remarketing instruction required under subsection
- 13 (b)(2) must provide the applicant with knowledge of all of the
- 14 following:
- 15 (1) Indiana statutes and rules governing vehicle remarketing.
- 16 (2) Legal requirements of transferring, delivering, and
- 17 reporting of motor vehicle titles, including federal statutes
- 18 governing the transfer and sale of motor vehicles.
- 19 (3) Vehicle remarketing ethics, including ethical practices
- 20 related to participation in motor vehicle auctions.
- 21 (4) Motor vehicle documentation and title processes.
- 22 (5) Motor vehicle title issues, including liens and establishing
- 23 marketable title.
- 24 (6) Reporting and disclosure requirements related to motor
- 25 vehicle damage and rebuilding.
- 26 (7) Systems, organization, and requirements for document
- 27 handling, record keeping, and proof of ownership.
- 28 (8) Any other subject matter approved by the commission.
- 29 (d) An individual seeking an initial license as a vehicle
- 30 remarketer under this article shall file with the commission a
- 31 completed application on the form prescribed by the commission.
- 32 When filing an application for a vehicle remarketer license, an
- 33 applicant shall pay a nonrefundable fee established by the
- 34 commission under IC 25-1-8-2.
- 35 (e) When applying for a renewal of a vehicle remarketer license,
- 36 an applicant shall do the following:
- 37 (1) Apply in a manner required by the commission, including
- 38 certification by the applicant that the applicant has complied
- 39 with the requirements of subsection (b).
- 40 (2) Pay the renewal fee established by the commission under
- 41 IC 25-1-8-2.
- 42 (f) Upon the receipt of a completed application for an initial or



1 a renewal license, the commission shall examine the application  
2 and may verify the information contained within.

3 (g) The commission shall issue a vehicle remarketer license to an  
4 applicant that meets all of the requirements for licensing and pays  
5 the appropriate fees.

6 (h) Vehicle remarketer licenses shall be issued for a term of four  
7 (4) years. A license expires at midnight on the date established by  
8 the licensing agency under IC 25-1-6-4 and every fourth year  
9 thereafter unless renewed before that date. An expired license may  
10 be reinstated not later than four (4) years after the date the license  
11 expired if the license holder meets the requirements of  
12 IC 25-1-8-6(c).

13 (i) If a license has been expired for a period of more than four  
14 (4) years, the holder of the license may have the license reinstated  
15 by satisfying the requirements for reinstatement under  
16 IC 25-1-8-6(d).

17 (j) All persons applying for a license under this chapter shall  
18 include an irrevocable consent that actions may be commenced  
19 against the applicant with the application. The consent shall  
20 stipulate that service of process or pleadings on the commission  
21 shall be taken and held in all courts of competent jurisdiction as  
22 valid and binding as if service of process had been made upon the  
23 applicant personally within Indiana. A process or pleading  
24 mentioned in this subsection served upon the commission shall be  
25 by duplicate copies. One (1) of the duplicate copies shall be filed in  
26 the office of the commission and one (1) shall be immediately  
27 forwarded by the commission by registered or certified mail to the  
28 applicant against whom the process or pleading is directed.

29 (k) The commission may enter into a reciprocal agreement with  
30 another state concerning nonresident applicants.

31 (l) Upon a showing of good cause, the commission may issue a  
32 temporary permit for a reasonable period as the commission  
33 deems appropriate, not to exceed one (1) year, upon the receipt of  
34 an application for a license under this section. A temporary permit:

- 35 (1) has the same effect as a license under this section; and
- 36 (2) entitles and subjects the permittee to the same rights and  
37 obligations as if the applicant had obtained a license.

38 Sec. 4. (a) A person must obtain a vehicle remarketer agency  
39 license from the commission before operating a vehicle remarketer  
40 agency.

41 (b) An applicant for a vehicle remarketer agency license must:  
42 (1) meet all of the standards for a vehicle remarketer under



section 3 of this chapter;

(2) have an established place of business located in Indiana which safely houses records and has facilities allowing for the inspection, auditing, and copying of all records of vehicle marketers required by the commission. The established business location of the vehicle remarketer agency must be proven by documentation of ownership or a lease agreement that does not expire before the latest expiration date of a vehicle remarketer serviced by the agency; and

(3) provide documentation of compliance with all state and local building and zoning requirements, including an affidavit from:

(A) the person charged with enforcing a zoning ordinance, if one exists; or

(B) the zoning enforcement officer under IC 36-7-4, if one exists;

who has jurisdiction over the real property where the applicant wants to operate as a vehicle remarketer agency. The affidavit must state that the proposed location is zoned for the operation of a vehicle remarketer's establishment. The applicant may file the affidavit at any time after the filing of the application. However, the commission may not issue a license until the applicant files the affidavit. If the commission receives a written complaint from a local zoning body that a vehicle remarketer agency that is subject to this article is operating in violation of a local zoning ordinance, the commission shall delay the issuance or renewal of the vehicle remarketer's license under this article until the local zoning complaint has been satisfied.

(c) Before applying for a license from the commission to operate a vehicle remarketing agency, the following must obtain a license as a vehicle remarketer agent as provided in section 5 of this chapter:

(1) An individual who seeks to operate a vehicle remarketer agency.

(2) One (1) or more individuals designated by an organization that seeks to operate a vehicle remarketing agency.

(3) An individual who works on behalf of a vehicle remarketer or vehicle remarketer agency to provide services to ensure compliance of the vehicle remarketer or vehicle remarketer agency or acts as an authorized representative.

(d) Every applicant seeking to operate a vehicle remarketer



1 agency shall file with the commission a complete application on a  
 2 form provided the commission for a license for each vehicle  
 3 remarketer agency to be operated by that person. Each application  
 4 shall be accompanied by the license fee prescribed by section 6 of  
 5 this chapter and a surcharge described in IC 25-6.1-8-2.

6 (e) Upon the receipt of a completed application for an initial or  
 7 renewal license, the commission shall examine the application and  
 8 may verify the information contained within.

9 (f) If the commission determines that an application has been  
 10 completed and that the statements made within the application by  
 11 the applicant are true, the commission shall issue a license, in such  
 12 form as the commission may prescribe, for the vehicle remarketer  
 13 agency.

14 (g) A vehicle remarketer agency license expires on a date  
 15 established by the licensing agency under IC 25-1-6-4, and every  
 16 fourth year thereafter.

17 (h) If the holder of a vehicle remarketer agency license does not  
 18 renew the license by the date established by the licensing agency,  
 19 the license expires and becomes invalid without any action taken  
 20 by the commission.

21 (i) The holder of a vehicle remarketer agency license that has  
 22 been expired for not more than four (4) years may have the license  
 23 reinstated by meeting the requirements under IC 25-1-8-6(c).

24 (j) The holder of a vehicle remarketer agency license that has  
 25 been expired for more than four (4) years may have the license  
 26 reinstated by satisfying the requirements for reinstatement under  
 27 IC 25-1-8-6(d).

28 (k) An individual who wishes to operate a vehicle remarketer  
 29 agency, shall, not more than thirty (30) days before the date on  
 30 which the individual begins to operate a vehicle remarketer  
 31 agency, notify the commission in a writing signed by the individual  
 32 that the individual will be operating as a vehicle remarketer  
 33 agency. The individual shall specify in the written notification the:

34 (1) trade or business name; and

35 (2) address of the principal place of business;

36 of each vehicle remarketer agency that the individual will operate.  
 37 Whenever an individual to whom this subsection applies  
 38 discontinues the operation of a vehicle remarketing agency that  
 39 was operated by the individual, or changes the address or trade or  
 40 business name, the individual shall promptly notify the executive  
 41 secretary of the commission of such discontinuance or change by  
 42 written means signed by the individual.



1       **Sec. 5. (a)** A person that is employed by or contracts with a  
 2 vehicle remarketer or vehicle remarketer agency that acts on  
 3 behalf of a vehicle remarketer or vehicle remarketer agency as an  
 4 authorized representative or provides services to a vehicle  
 5 remarketer or vehicle remarketer agency to ensure compliance  
 6 with the requirements of this chapter must obtain a vehicle  
 7 remarketer agent license from the commission.

8       **(b)** An applicant for a vehicle remarketer agent license must  
 9 meet all of the standards for a vehicle remarketer under section 3  
 10 of this chapter.

11       **(c)** Every applicant for a vehicle remarketer agent license shall  
 12 file with the commission a complete application on the form  
 13 prescribed by the commission. Each application shall be  
 14 accompanied by the license fee prescribed by section 6 of this  
 15 chapter and a surcharge described in IC 25-6.1-8-2.

16       **(d)** Upon the receipt of a completed application for an initial or  
 17 renewal license, the commission shall examine the application and  
 18 may verify the information contained in the application.

19       **(e)** Upon a determination by the commission that an application  
 20 is complete and duly verified, the commission shall issue a vehicle  
 21 remarketer agent license to the applicant.

22       **(f)** A vehicle remarketer agent license expires on a date  
 23 established by the licensing agency under IC 25-1-6-4, and every  
 24 fourth year thereafter.

25       **(g)** If the holder of a vehicle remarketer agent license does not  
 26 renew the license by the date established by the licensing agency,  
 27 the license expires and become invalid without any action taken by  
 28 the commission.

29       **(h)** The holder of a vehicle remarketer agent license that has  
 30 been expired for not more than four (4) years may have the license  
 31 reinstated by meeting the requirements under IC 25-1-8-6(c).

32       **(i)** The holder of a vehicle remarketer agent license that has  
 33 been expired for more than four (4) years may have the license  
 34 reinstated by satisfying the requirements for reinstatement under  
 35 IC 25-1-8-6(d).

36       **Sec. 6.** At the time of applying for a license under this chapter,  
 37 the licensee shall pay:

38       **(1)** the license fee established by the commission under  
 39 IC 25-1-8-2; and

40       **(2)** a surcharge under IC 25-6.1-8 for deposit in the vehicle  
 41 remarketer enforcement fund.

42       **Sec. 7. (a)** A person licensed under this article may transfer or



1 assign a title for a motor vehicle.

2 (b) For purposes of this subsection, the term "vehicle  
3 remarketer" does not include an individual who conducts vehicle  
4 transfers and transactions that are licensed under IC 9-32 by the  
5 dealer services division of the office of the secretary of state. All  
6 vehicle sales, purchases, transfers, and transactions arranged by or  
7 through a vehicle remarketer shall be conducted exclusively by  
8 persons that are licensed as vehicle remarketers under this  
9 chapter.

10 (c) A vehicle remarketer must have:

11 (1) a certificate of title;

12 (2) an assigned certificate of title; or

13 (3) other proof of ownership or evidence of right of possession  
14 as determined by the commission;

15 for a motor vehicle in the possession of the vehicle remarketer.

16 (d) If a vehicle remarketer purchases or acquires ownership of  
17 a motor vehicle in a state that does not have a certificate of title  
18 law, the vehicle remarketer shall apply for an Indiana certificate  
19 of title for the motor vehicle not more than thirty-one (31) days  
20 after the date of purchase or the date ownership of the motor  
21 vehicle was acquired.

22 (e) The bureau shall collect a delinquent title fee as provided in  
23 IC 9-29-4-4 if a vehicle remarketer fails to apply for a certificate of  
24 title for a motor vehicle that the vehicle remarketer has purchased,  
25 sold, or transferred.

26 (f) The bureau shall provide forms on which applications for  
27 certificates of title and assignments of certificates of title must be  
28 made under this section.

29 (g) A vehicle remarketer shall deliver an assigned certificate of  
30 title or certificate of origin to a person entitled to the certificate of  
31 title or certificate of origin.

32 (h) In order to obtain or maintain a vehicle remarketer's license  
33 from the commission, a vehicle remarketer must agree to allow the  
34 commission or a law enforcement agency to inspect:

35 (1) certificates of origin, certificates of title, assignments of  
36 certificates of origin and certificates of title, or other proof of  
37 ownership or evidence of right of possession as determined by  
38 the commission; and

39 (2) motor vehicles that are held for resale by the vehicle  
40 remarketer;

41 in the vehicle remarketer's agency during reasonable business  
42 hours.



1       (i) If a motor vehicle for which a certificate of title has been  
 2 issued is sold or if the ownership of the motor vehicle is transferred  
 3 in any manner other than by a transfer on death conveyance under  
 4 IC 9-17-3-9, in addition to complying with IC 9-17-3-3.4, the person  
 5 who holds the certificate of title must do the following:

6       (1) Endorse on the certificate of title an assignment of the  
 7 certificate of title with warranty of title, in a form printed on  
 8 the certificate of title, with a statement describing all liens or  
 9 encumbrances on the motor vehicle.

10       (2) Except as provided in subdivisions (4) and (5), deliver the  
 11 certificate of title to the purchaser or transferee at the time of  
 12 the sale or delivery to the purchaser or transferee of the  
 13 motor vehicle, if the purchaser or transferee has made all  
 14 agreed upon initial payments for the motor vehicle, including  
 15 delivery of a trade-in vehicle without hidden or undisclosed  
 16 statutory liens.

17       (3) Complete all information concerning the purchase on the  
 18 certificate of title, including, but not limited to:

19           (A) the name and address of the purchaser; and

20           (B) the sale price of the vehicle.

21       (4) In the case of a sale or transfer between vehicle  
 22 remarketers and other vehicle remarketers or vehicle dealers  
 23 licensed by the state of Indiana or another state, deliver the  
 24 certificate of title within twenty-one (21) days after the date  
 25 of the sale or transfer.

26       (5) Deliver the certificate of title to the purchaser or  
 27 transferee within twenty-one (21) days after the date of sale  
 28 or transfer to the purchaser or transferee of the motor  
 29 vehicle, if all the following conditions exist:

30           (A) The seller or transferor is a vehicle remarketer  
 31 licensed by the state of Indiana under this article or a  
 32 vehicle dealer licensed by the state of Indiana under  
 33 IC 9-32.

34           (B) The vehicle remarketer is not able to deliver the  
 35 certificate of title at the time of sale or transfer.

36           (C) The vehicle remarketer provides the purchaser or  
 37 transferee with an affidavit under section 8 of this chapter.

38           (D) The purchaser or transferee has made all agreed upon  
 39 initial payments for the vehicle, including delivery of a  
 40 trade-in vehicle without hidden or undisclosed statutory  
 41 liens.

42       (j) A vehicle remarketer that fails to deliver a certificate of title





1 within the time specified under this section is subject to the  
2 following civil penalties:

3 (1) One hundred dollars (\$100) for the first violation in a  
4 calendar year.

5 (2) Two hundred fifty dollars (\$250) for the second violation  
6 in a calendar year.

7 (3) Five hundred dollars (\$500) for all subsequent violations  
8 in a calendar year.

9 Payment shall be made to the commission and deposited in the  
10 vehicle remarketer enforcement fund established under IC 25-42-9.

11 (k) If a purchaser or transferee does not receive a valid  
12 certificate of title within the time specified by this section, the  
13 purchaser or transferee has the right to return the motor vehicle  
14 to the vehicle remarketer ten (10) days after giving the vehicle  
15 remarketer written notice demanding delivery of a valid certificate  
16 of title and the vehicle remarketer's failure to deliver a valid  
17 certificate of title within that ten (10) day period. Upon return of  
18 the motor vehicle to the vehicle remarketer in the same or similar  
19 condition as delivered to the purchaser or transferee under this  
20 section, the vehicle remarketer shall pay to the purchaser or  
21 transferee the purchase price plus sales taxes, finance expenses,  
22 insurance expenses, and any other amount paid by the purchaser  
23 or transferee as a result of the purchase of the motor vehicle.

24 (l) For purposes of this subsection, "timely deliver", with  
25 respect to a third party, means to deliver to the purchaser or  
26 transferee with a postmark dated or hand delivered not more than  
27 ten (10) business days after there is no obligation secured by the  
28 motor vehicle. If the vehicle remarketer's inability to timely deliver  
29 a valid certificate of title results from the acts or omissions of a  
30 third party who has failed to timely deliver a valid certificate of  
31 title to the vehicle remarketer, the vehicle remarketer is entitled to  
32 claim against the third party one hundred dollars (\$100). If:

33 (1) the vehicle remarketer's inability to timely deliver a valid  
34 certificate of title results from the acts or omissions of a third  
35 party who has failed to timely deliver the certificate of title in  
36 the third party's possession to the vehicle remarketer; and

37 (2) the failure continues for ten (10) business days after the  
38 vehicle remarketer gives the third party written notice of the  
39 failure;

40 the vehicle remarketer is entitled to claim against the third party  
41 all damages sustained by the vehicle remarketer in rescinding the  
42 vehicle remarketer's sale with the purchaser or transferee,



including the vehicle remarketer's reasonable attorney's fees.

(m) If a motor vehicle for which a certificate of title has been issued by another state is sold or delivered, the person selling or delivering the motor vehicle shall deliver to the purchaser or receiver of the motor vehicle a proper certificate of title with an assignment of the certificate of title in a form prescribed by the bureau.

(n) The original certificate of title and all assignments and subsequent reissues of the certificate of title shall be retained by the bureau and appropriately classified and indexed in the most convenient manner to trace title to the motor vehicle described in the certificate of title.

(o) A vehicle remarketer shall make payment to a third party to satisfy any obligation secured by the motor vehicle within ten (10) days after the date of sale.

Sec. 8. The affidavit required by section 7(i)(5)(C) of this chapter must be printed in the following form:

STATE OF INDIANA

)

) ss:

COUNTY OF \_\_\_\_\_)

I affirm under the penalties for perjury that all of the following are true:

(1) That I am a vehicle remarketer licensed under IC 25-42-4-3.

(2) That I cannot deliver a valid certificate of title to the purchaser of the vehicle described in paragraph (3) at the time of sale of the vehicle to the purchaser. The identity of the previous seller or transferor is \_\_\_\_\_. Payoff of lien was made on (date) \_\_\_\_\_. I expect to deliver a valid and transferable certificate of title not later than (date) \_\_\_\_\_ from the State of (state) \_\_\_\_\_ to the purchaser.

(3) That I will undertake reasonable commercial efforts to produce the valid certificate of title. The vehicle identification number is \_\_\_\_\_.

Signed \_\_\_\_\_, Vehicle Remarketer

By \_\_\_\_\_

Dated \_\_\_\_\_, \_\_\_\_\_

CUSTOMER ACKNOWLEDGES RECEIPT OF A COPY OF THIS AFFIDAVIT.

\_\_\_\_\_



**Customer Signature**

**Sec. 9. A person licensed under this article shall:**

**(1) display the license or a certified copy of the license issued by the commission in the full and unobstructed view of the public at the established business location;**

**(2) produce a copy of the license upon the request of a representative of the commission, law enforcement, auction companies, auctions, or dealer customers; and**

**(3) include a:**

**(A) copy;**

**(B) electronic link to a copy; or**

**(C) instructions regarding the way to obtain a copy; within any advertising or marketing materials sent to prospective customers.**

**Sec. 10. (a) The commission may charge the fee established under IC 25-1-8-2 as the cost of providing duplicate licenses to replace lost or destroyed licenses.**

**(b) The commission may charge a fee established under IC 25-1-8-2 for the cost of verifying a license to another state.**

**Sec. 11. (a) When the commission determines that a person not licensed under this article is engaged in or is believed to be engaged in activities for which a license is required under this article, the commission may issue an order to that person requiring the person to show cause why there should not be an order issued to cease and desist the activities. The show cause order shall set a time and place for a hearing at which the affected person may appear and show cause as to why the person should not be subject to licensing under this article. A hearing held under this chapter shall be held in accordance with IC 4-21.5-3.**

**(b) If the commission, after a hearing, determines that the activities in which the person is engaged are subject to licensing under this article, the commission may issue a cease and desist order which shall describe the person and activities which are the subject of the order.**

**(c) A cease and desist order issued under this section shall be enforceable in a court of competent jurisdiction.**

**Sec. 12. A person who makes a proper and complete application to the commission and is denied a license under this article has all of the rights and remedies prescribed in IC 4-21.5.**

**Chapter 5. Standards and Unfair Practices**

**Sec. 1. In performing the obligations of a:**

**(1) vehicle remarketer, every vehicle remarketer shall**



perform the duties with the highest standards of the vehicle remarketer profession;

(2) vehicle remarketer agent, every vehicle remarketer agent shall perform the duties with the highest standards of the vehicle remarketer agent profession; and

(3) vehicle remarketer agency, every vehicle remarketer agency shall perform the duties with the highest standards of the vehicle remarketer agency profession.

**Sec. 2.** The following vehicle remarketer activities are declared to be unfair trade practices:

(1) Selling to the general public.

(2) Selling a motor vehicle for resale to a person not licensed under this article or IC 9-32.

(3) Selling, exchanging, or transferring a rebuilt motor vehicle without disclosing in writing to the purchaser, customer, or transferee the fact that the motor vehicle is a rebuilt motor vehicle if the vehicle remarketer knows or should reasonably know before consummating the sale, exchange, or transfer that the motor vehicle is a rebuilt motor vehicle.

(4) Using false, deceptive, or misleading advertising or engaging in deceptive acts or practices in connection with the vehicle remarketing business.

(5) In connection with the offer, sale, or purchase of a motor vehicle, directly or indirectly:

(A) employing a device, scheme, or artifice to defraud;

(B) making an untrue statement of a material fact or omitting a material fact necessary to make the statement made, in light of the circumstances under which the statement was made, not misleading; or

(C) engaging in an act, practice, or course of business that operates or would operate as a fraud or deceit upon another person.

#### **Chapter 6. Licensee Obligations**

**Sec. 1.** (a) Every licensee, within thirty (30) days after the sale transaction, shall account for, or see to an accounting for, all transactions which are the subject of a transfer of a motor vehicle title that was engaged in or conducted by such licensee or in the course of business of the licensee.

(b) Every licensee, within thirty (30) days, or earlier if required under an agreement with a seller or auction company, after a motor vehicle sale transaction, shall pay over, or see to the paying over of, all monies and proceeds due to the owner or the consignor



1 of motor vehicles which was the subject of a sale or auction.

2 **Sec. 2. (a)** Each licensee shall keep and maintain in a place of  
3 safety for a period of not less than two (2) years complete and  
4 correct records and accounts pertaining to the licensee's licensed  
5 activity, including:

6 (1) the name and address of the owner or consignor of all  
7 motor vehicles involved in the activities;

8 (2) a description of the motor vehicles;

9 (3) the terms and conditions of the acceptance and sale;

10 (4) accounts of all monies received and paid out, whether on  
11 the licensee's own behalf or as agent, as a result of the  
12 activities; and

13 (5) any other information required by the commission.

14 **(b)** A vehicle remarketer shall provide a location either directly  
15 or through a remarketer agency within Indiana to facilitate access  
16 to all records required by the commission and maintained by the  
17 vehicle remarketer or remarketer agency. The facilities shall  
18 include a system to protect, access, inspect, copy, audit, and  
19 investigate records and may be provided by the vehicle remarketer  
20 through a vehicle remarketer agency.

21 **Sec. 3.** No vehicle remarketer shall sell motor vehicles at auction  
22 until the auctioneer or auction company involved has first entered  
23 into a written contract with the vehicle remarketer. The contract  
24 shall set forth the terms and conditions upon which the auctioneer  
25 or auction company accepts the motor vehicles for sale. A copy of  
26 every written contract shall be retained for a period of two (2)  
27 years from the date of the auction.

28 **Sec. 4.** All advertisements made by vehicle remarketer agencies  
29 to represent, consult, or facilitate the operation or licensure of a  
30 vehicle remarketer shall disclose:

31 (1) the vehicle remarketer agency's name and the name of the  
32 vehicle remarketer agents involved;

33 (2) a brief summary of the legal requirements of holding an  
34 Indiana vehicle remarketer license, list of services provided  
35 by the agent, the cost of providing such services, and a  
36 disclaimer that the vehicle remarketer is not required to hire  
37 an agency in order to be licensed in the state of Indiana; and

38 (3) a copy of, an electronic link to, or instructions on the way  
39 to view the license of the vehicle remarketer licensee engaged  
40 in the advertising.

41 **Sec. 5. (a)** A licensee that ceases a business activity for which a  
42 license was issued under this chapter shall do the following:



(1) Notify the commission of the date that the business activity will cease.

(2) Deliver to the bureau all transport license plates issued to the licensee not later than ten (10) days after the date the business activity will cease.

(b) A licensee may not transfer or sell the:

(1) licensee's license; or

(2) use of the licensee's license.

(c) A licensee that changes the form of organization or state of incorporation may continue the licensee's licensure by filing an amendment to the registration if the change does not involve a material fact in the financial condition or management of the licensee. The amendment becomes effective when filed or on the date designated by the registrant in its filing. The new organization is a successor to the original registrant for the purposes of this article.

(d) If there is a change in the licensee's ownership, the successive owner must file a new application for a license under this chapter.

#### **Chapter 7. Vehicle Remarketer Use of Transport Operator License Plates**

**Sec. 1.** The bureau shall issue transport operator license plates under IC 9-18-2-23 to a vehicle remarketer in compliance with section 2 of this chapter.

**Sec. 2.** A vehicle remarketer holding a current and valid license under IC 25-42-3 is considered to be a transport operator as defined in IC 9-13-2-187 and shall use transport license plates in compliance with IC 9-18-2-23.

**Sec. 3.** A vehicle remarketer shall keep a detailed record of the use of the transport operator license plates, including a log of all motor vehicles transported using the plates. The records shall be maintained with all other records required by the commission at the established business location of a vehicle remarketer in Indiana or with a vehicle remarketer agency holding a current license under this chapter.

#### **Chapter 8. Continued Professional Competency Demonstration**

**Sec. 1.** As used in this chapter, "provider" means a vehicle remarketer education provider approved as set forth in section 3 of this chapter.

**Sec. 2.** Except as provided in section 9 of this chapter, a person that applies for license renewal under IC 25-42-4 must demonstrate completion of additional or updated education as directed and approved by the commission.



1       **Sec. 3. To obtain approval as a vehicle remarketer education**  
 2 **provider, a provider must do the following:**

3       (1) Provide the commission information on courses,  
 4 curriculum, and facilities as determined by the commission.

5       (2) Provide each participant who successfully completes an  
 6 approved course a certificate that includes the following:

7           (A) The name of the participant.

8           (B) The name, address, and signature of the sponsor.

9           (C) Any other information required by the commission.

10       (3) Meet any standard that the commission adopts by rule.

11       **Sec. 4. A provider that has received approval under section 3 of**  
 12 **this chapter must maintain records for five (5) years of the**  
 13 **participants who successfully complete and pass each course. If the**  
 14 **provider ceases operations, the owner shall place the records in the**  
 15 **care of a custodian that is approved by the commission.**

16       **Sec. 5. (a) The approval for a provider expires February 28 each**  
 17 **even-numbered year.**

18       (b) A provider must submit:

19           (1) a letter requesting renewal of approval; and

20           (2) the renewal fee;

21 **at least thirty (30) days before the provider's approval expires.**

22       **Sec. 6. The commission may precondition licensing based on an**  
 23 **inspection of facilities and record keeping operations. The**  
 24 **commission may inspect an approved provider's records and**  
 25 **facilities.**

26       **Sec. 7. (a) A person may advertise that a course that the person**  
 27 **offers is approved by the commission and fulfills the requirements**  
 28 **of the commission.**

29       (b) A person may not advertise or make an inference within an  
 30 advertisement that the provider or the provider's course is  
 31 required or recommended by the commission.

32       **Sec. 8. An applicant for renewal must certify on the application**  
 33 **that the applicant:**

34           (1) has complied with the continuing education requirement;  
 35 or

36           (2) has not complied with the continuing education  
 37 requirement but is seeking a waiver under section 9 of this  
 38 chapter.

39       **Sec. 9. The commission may grant an applicant a waiver from**  
 40 **all or part of the continuing education requirement for the renewal**  
 41 **period if the applicant was not able to fulfill the requirement due**  
 42 **to a hardship that resulted from any of the following conditions:**



(1) Service in the armed forces of the United States during a substantial part of the renewal period.

(2) Incapacitating illness or injury.

(3) Other circumstances as determined by the commission.

Sec. 10. (a) The commission may grant an applicant an inactive vehicle remarketer license if the vehicle remarketer submits a written application to the commission requesting that the vehicle remarketer license be classified as inactive.

(b) A vehicle remarketer granted an inactive license under this section may not perform an act that requires a vehicle remarketer license.

(c) If a disciplinary or suspension hearing is pending against a vehicle remarketer, the individual may not be granted an inactive license without the approval of the commission.

(d) An individual granted an inactive license must continue to pay the same fees that a licensee is required to pay.

(e) An inactive licensee is not required to complete the continuing education requirement while the license is inactive.

(f) An individual may reinstate an inactive vehicle remarketer license if the individual:

(1) submits a written application to the commission requesting that the inactive vehicle remarketer license be classified as active; and

(2) fulfills the applicable continuing education requirement for the licensure period during which the license is reinstated.

#### Chapter 9. Vehicle Remarketer Enforcement Fund

Sec. 1. (a) For purposes of this chapter, "fund" means the vehicle remarketer enforcement fund established by subsection (b).

(b) The vehicle remarketer enforcement fund is established for the purpose of administering and enforcing this article. The fund shall be administered by the commission.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) Money in the fund at the end of a fiscal year does not revert to the state general fund, except as provided in section 3 of this chapter.

(f) Money in the fund is continuously appropriated to the commission for the purposes set forth in subsection (b).





1       **Sec. 2. (a) If the total amount in the vehicle remarketer**  
 2 **enforcement fund (including principal and interest) is less than**  
 3 **three hundred sixty thousand dollars (\$360,000) on June 30 in an**  
 4 **odd-numbered year after the payment of all claims and expenses,**  
 5 **the commission shall assess a surcharge according to the following**  
 6 **formula in order to maintain the fund at an approximate level of**  
 7 **four hundred thousand dollars (\$400,000):**

8       **STEP ONE: Determine the amount remaining in the fund on**  
 9 **June 30 of the current year after all expenses and claims have**  
 10 **been paid.**

11       **STEP TWO: Subtract the amount determined under STEP**  
 12 **ONE from four hundred thousand dollars (\$400,000).**

13       **STEP THREE: Determine the number of licensees who had**  
 14 **licenses in effect on June 30 of the current year.**

15       **STEP FOUR: Divide the number determined under STEP**  
 16 **TWO by the number determined under STEP THREE.**

17       **(b) The commission shall assess the surcharge described in**  
 18 **subsection (a) against each licensee that:**

- 19       **(1) receives an initial license;**
- 20       **(2) receives a renewal license; or**
- 21       **(3) receives a temporary permit.**

22       **(c) The commission shall assess the surcharge described in**  
 23 **subsection (a) for the two (2) year period beginning on July 1 of the**  
 24 **current year through June 30 of the next odd-numbered year.**

25       **(d) The surcharge assessed under this section is in addition to**  
 26 **any other fee under this article.**

27       **Sec. 3. If the total amount in the fund (including principal and**  
 28 **interest) exceeds five hundred fifty thousand dollars (\$550,000) at**  
 29 **the end of a state fiscal year after the payment of all claims and**  
 30 **expenses, the amount in excess of five hundred fifty thousand**  
 31 **dollars (\$550,000) reverts to the state general fund.**

32       **Sec. 4. Any interest earned on investment of money in the fund**  
 33 **shall be credited at least annually to the fund. No money may be**  
 34 **appropriated from the state general fund for payment of any**  
 35 **expense incurred under this chapter, and no expense may be**  
 36 **charged against the state.**

37       **Sec. 5. Subject to the approval of the budget agency, the**  
 38 **commission may expend the interest earned by the fund for:**

- 39       **(1) information concerning the commission's activities and**  
 40 **administrative rulings; and**
- 41       **(2) other educational information concerning the practice of**  
 42 **vehicle remarketing.**



1       **Sec. 6. (a)** The office of the attorney general shall provide the  
2 staff assistance necessary to:

3           (1) enable the commission to perform its duties under this  
4 chapter; and

5           (2) enforce this chapter.

6           (b) Expenses incurred by the office of the attorney general  
7 under this section shall be paid from the fund.

8       **Chapter 10. Penalties**

9       **Sec. 1. (a)** An individual may not act as a vehicle remarketer  
10 without first having obtained and having in full force and effect a  
11 vehicle remarketer license required under this article.

12       (b) A person may not act or operate as a vehicle remarketer  
13 agent without first having obtained and having in full force and  
14 effect a vehicle remarketer agent license required under this  
15 article.

16       (c) A person may not act or operate as a vehicle remarketer  
17 agency without first having obtained and having in full force and  
18 effect a vehicle remarketer agency license required under this  
19 article.

20       **Sec. 2.** A person who knowingly or intentionally violates or fails  
21 to follow any provision of this article commits a Class A  
22 misdemeanor.

23       **Sec. 3.** The commission may maintain an action in the name of  
24 the state of Indiana to enjoin any person without a license issued  
25 under this article from engaging in any activity for which a license  
26 is required under this article.

27       **Sec. 4.** In charging a person in an affidavit, information, or  
28 indictment with a violation of this article by carrying on an activity  
29 for which a license issued under, or an exemption under, this  
30 article is required, it is sufficient to charge that the person did,  
31 upon a certain day and in a certain county, engage in such an  
32 activity and that there was no license to do so. No further or more  
33 particular facts need be averred concerning the matter.

34       SECTION 6. IC 35-52-25-67 IS ADDED TO THE INDIANA  
35 CODE AS A NEW SECTION TO READ AS FOLLOWS  
36 [EFFECTIVE UPON PASSAGE]: **Sec. 67. IC 25-42-10-2** defines a  
37 crime concerning vehicle remarketers and vehicle remarketer  
38 agencies.

39       SECTION 7. [EFFECTIVE UPON PASSAGE] (a) As used in this  
40 SECTION, "commission" means the Indiana vehicle remarketer  
41 commission established by IC 25-42-3-1, as added by this act.

42       (b) The governor shall appoint members of the commission in



1 the manner provided by IC 25-42-3-1, as added by this act.

2 (c) The commission appointed under subsection (b) shall adopt  
3 emergency rules in the manner provided under IC 4-22-2-37.1 not  
4 later than June 30, 2015, to implement interim license regulations  
5 and fees that will govern the practice of vehicle remarketing until  
6 permanent rules and fees to implement this act are adopted.

7 (d) The commission shall adopt final rules not later than July 1,  
8 2016, under IC 25-42-3-5(c), as added by this act, to implement this  
9 act.

10 (e) The emergency rules adopted not later than June 30, 2015,  
11 under subsection (c) must provide the following:

12 (1) A person holding a wholesale dealer license under  
13 IC 9-32-11-1 as of December 31, 2013, may apply for a  
14 temporary interim vehicle remarketer agent license to  
15 continue the business during the period between the  
16 elimination of the wholesale dealer license effective July 1,  
17 2015, and until final rules and procedures are implemented  
18 and a permanent license is available under this act.

19 (2) The commission shall issue a temporary interim vehicle  
20 remarketer license to applicants that the commission  
21 determines will have a probability of success complying with  
22 standards contemplated under IC 25-42, as added by this act.

23 (3) A person that owned and operated a business located in  
24 Indiana that performed or substantially performed the same  
25 services described under IC 25-42-2-11, as added by this act,  
26 for a vehicle remarketer agency after December 31, 2014, may  
27 apply for a temporary interim license to continue the business  
28 during the period between the elimination of the wholesale  
29 dealer license under IC 9-32-11-1 on July 1, 2015, and until  
30 final rules and procedures are adopted and implemented and  
31 a permanent license as a vehicle remarketer agency is  
32 available.

33 (4) The commission shall issue a temporary interim vehicle  
34 remarketer agency license to persons that the commission  
35 determines will operate a vehicle remarketer agency to the  
36 standards contemplated under IC 25-42, as added by this act,  
37 and may take into account the performance and record of the  
38 person in the operation of the business and overall compliance  
39 of the wholesale dealer license customers prior to December  
40 31, 2014.

41 (5) A person that was employed by, contracted with, owned,  
42 or operated a business located in Indiana that performed or



1 substantially performed the services of a vehicle remarketer  
2 or agent after December 31, 2014, may apply for and be  
3 issued a temporary interim license to continue ownership,  
4 employment, or contractual relationships with remarketer  
5 agencies that are licensed under IC 25-42-4, as added by this  
6 act.

7 (f) This SECTION expires on the earlier of the following:

8 (1) The date final rules are adopted under IC 25-42-3-5(c), as  
9 added by this act.

10 (2) December 31, 2016.

11 SECTION 8. An emergency is declared for this act.

